

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Richard Willmar Rapatt,

File No. 19-cv-00042 (ECT/DTS)

Petitioner,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Glenn Whiteford,

Respondent.

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Petitioner Richard Willmar Rapatt commenced this action pro se by filing a petition for a writ of habeas corpus. Pet. [ECF No. 1]. He has since filed an amended petition. ECF No. 9. The case is before the Court on a Report and Recommendation [ECF No. 12] issued by Magistrate Judge David T. Schultz. Magistrate Judge Schultz recommends denying Rapatt's petition and not granting a certificate of appealability. R&R at 6. Rapatt filed objections to the Report and Recommendation as well as an affidavit in support of his objections. ECF Nos. 13–14. Because Rapatt has objected, the Court is required to review the Report and Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge Schultz's analysis and conclusions are correct.

Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Objections to the Report and Recommendation [ECF No. 13] are **OVERRULED;**

2. The Report and Recommendation [ECF No. 12] is **ACCEPTED** in full;
3. The Amended Petition [ECF No. 9] is **DENIED**; and
4. A certificate of appealability shall **NOT BE GRANTED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: September 4, 2019

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court